

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Julio Cesar Moreira

Cr.: 02-00629-001

Name of Sentencing Judicial Officer: The Honorable Joel A. Pisano

Date of Original Sentence: 01-23-03

Original Offense: Importation of Heroin

Original Sentence: 52 months imprisonment; 5 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 04-17-05

Assistant U.S. Attorney: Sarah Coyne

Defense Attorney: David Holman

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|--|
| 1 | The offender has violated the supervision condition which states ' You shall not commit another federal, state, or local crime. ' |
|---|--|

On November 30, 2005, when the offender was arrested by Rockaway Township Police on a traffic warrant that predates the supervised release term, he was charged with possessing and displaying as identification a fictitious Social Security card. On February 8, 2006, in the Rockaway Township Municipal Court, the offender was convicted of one count of unsworn falsification (in violation of NJ Criminal Code 2C:28-3b(3)). A fine of \$500 was imposed, as were costs and other fees.

On May 22, 2006, the offender was arrested by the Mansfield Township Police Department and charged with possessing less than 50 grams of marijuana inside a motor vehicle. On the same date, he appeared in the Mansfield Municipal Court and was found guilty of one count of possession of marijuana (in violation of NJ Criminal Code 2c:35-10a). His license was revoked for six months and a \$500 DEDR penalty and \$300 fine were imposed, as were court costs and other fees and penalties.

- 2 The offender has violated the supervision condition which states **'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'**

The offender failed to notify the probation officer within 72 hours of being arrested and questioned by law enforcement officers on November 30, 2005, in Rockaway Township, New Jersey, and on May 22, 2006, in Mansfield Township, New Jersey.

- 3 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

On February 28, 2006, the offender submitted a urine sample which tested positive for marijuana. When questioned by the probation officer, the offender denied using the drug, so the sample was forwarded to the laboratory for further analysis. On March 9, 2006, lab results confirmed that the offender tested positive for marijuana and subsequently provided false information to the probation officer concerning his drug use.

The offender subsequently failed to report the probation officer as instructed for urinalysis testing on March 14, March 22, and May 16, 2006.

- 4 The offender has violated the supervision condition which states **'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'**

The offender has not reported to the probation office since February 28, 2006, and he failed to report to the probation officer on March 14, March 22, and May 16, 2006. The offender is now viewed as having absconded from supervision.

I declare under penalty of perjury that the foregoing is true and correct.

By: Donald L. Marten, Jr.

U.S. Probation Officer

Date: May 25, 2006

THE COURT ORDERS:

☒ The Issuance of a Warrant

☐ The Issuance of a Summons. Date of Hearing: _____

☐ No Action

☐ Other



Signature of Judicial Officer

6/13/06

Date

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

June 1, 2006

DEPUTY CHIEF PROBATION OFFICERS
ERIC K. SNYDER
MATTHEW F. MILLER
THOMAS C. MILLER

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
(973) 645-6161
FAX: (973) 645-2155

The Honorable Joel A. Pisano
United States District Judge
District of New Jersey
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102-0999

RE: JULIO CESAR MOREIRA
CR No. 02-00629-001
Notice of Noncompliance;
Petition to Issue a Warrant

RECEIVED
 WILLIAM T. WALSH, CLERK
 2006 JUN 13 P 4 25
 UNITED STATES
 DISTRICT COURT
 NEWARK, NJ

Dear Judge Pisano:

On January 23, 2003, Your Honor sentenced Julio Moreira to 52 months imprisonment and five years supervised release for the offense of importation of heroin. As special conditions of supervision, the Court ordered that Moreira submit to drug testing and/or treatment at the discretion of the probation office; provide full disclosure of his financial records; and cooperate with immigration authorities to resolve any problems with his status in the United States. The term of supervised release commenced on April 17, 2005, when the offender was released from the custody of the Federal Bureau of Prisons.

Since his release from custody, Moreira has been unable to secure a stable place of residence and long-term position of gainful employment. In his first year of supervision, the offender has moved at least twice and, when employed, he has changed jobs several times. In over 12 months of supervision, he has submitted only two monthly supervision reports (MSRs) and only one pay stub, verifying two weeks of employment in August 2005. His last known place of residence was at 34 North Main Street, Wharton, New Jersey, where he reportedly lived with his mother. By way of background, Moreira has admitted associations to 3PX, a Surenos street gang based in and around Dover, New Jersey. His tattoos suggest he may also have ties to the MS-13 street gang.

On February 15, 2006, the probation officer learned that Moreira changed his place of residence in Morris County without notifying his probation officer within 72 hours. We subsequently discovered that the offender was arrested by the Rockaway Township Police Department on November 30, 2005, on an outstanding traffic warrant that predates his supervision term. Moreira failed to notify his probation officer of this incident within 72 hours of his arrest. More importantly, however, at the time his arrest, the offender was charged with possessing and using as identification a fictitious Social Security card. On February 8, 2006, in the Rockaway Township Municipal Court, he pled guilty to a new state offense, namely one count of unsworn falsification, and was fined \$500. The probation officer recently learned of this conviction for a new state offense.

The Honorable Joel A. Pisano

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Then, on February 28, 2006, Moreira reported to the probation office for a random urinalysis and tested positive for marijuana. Although the offender denied using the drug, laboratory analysis later confirmed the positive test results and revealed that he provided untruthful information to the probation officer concerning his drug use.

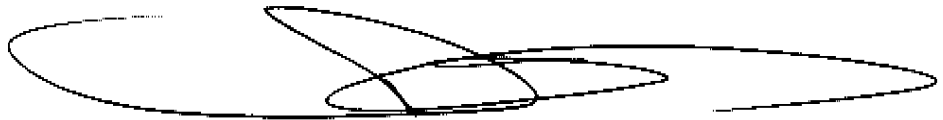
Since then, Moreira has absconded from supervision. He failed to report as instructed to the probation office for scheduled and random drug tests on March 14 and March 22, 2006. Then, on May 3, 2006, our office sent the offender a final notice to report to the office on May 16, 2006. Moreira failed to report to the probation office on May 16, and he has yet to telephone or otherwise contact the probation officer to advise of his whereabouts.

Most recently, the offender was arrested by the Mansfield Township Police Department on May 22, 2006, and charged with possession of less than 50 grams of marijuana. According to the charging document, Moreira had the contraband in his possession inside a motor vehicle. We await further details concerning this incident. On the same date, the offender was convicted as charged (found guilty) in Mansfield Township Municipal Court; a \$500 DEDR penalty and \$300 fine were imposed, and his license was revoked for six months. The offender did report this arrest to the probation officer, within 72 hours or otherwise.

Based on the violations alleged herein, we are petitioning the Court to issue a warrant. Unless Your Honor considers or recommends otherwise, we respectfully request that you review the attached forms and sign the Probation Form 12C, thus authorizing the issuance of a warrant. We will make ourselves readily available should Your Honor wish to discuss this matter, so please do not hesitate to contact the undersigned probation officer at (973) 645-4746.

Very truly yours,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

A handwritten signature in black ink, appearing to read 'Donald L. Martenz, Jr.', is written over a large, horizontal, oval-shaped line that serves as a baseline for the signature.

By: Donald L. Martenz, Jr.
U.S. Probation Officer